

REMARKS

Claims 1-27 were pending in the application and stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matsutani (U.S. Pat. No. 4,875,485). This rejection is respectfully traversed.

Claim 1 is amended to recite "...at least two magnet units, each magnet unit comprising a magnet and a positioner for selectively changing the position of the magnet to orient the magnetically responsive device;... a control for operating the positioners of each magnet unit to selectively change the positions of the magnets to maintain the magnetic field direction applied to the operating region and to the magnetically responsive device by the magnets...".

Matsutani discloses a magnetic resonance system, but does not teach or suggest a magnetic navigation system for orienting a magnetically responsive device in an operating region. Matsutani does not teach or suggest the recitations of amended claim 1. Accordingly, Applicants submit that claim 1, and claim 2 dependent on claim 1, should be allowed.

REJECTION UNDER 35 U.S.C. § 103

Claims 3-20, 22 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsutani '485 (U.S. Pat. No. 4,875,485) in view of Creighton et al. (U.S. Pat. No. 6,459,924). This rejection is respectfully traversed.

Creighton et al. (U.S. Patent No. 6,459,924) and the present application have two common inventors and the same assignee. The following statement is to establish common ownership or an obligation for assignment to the same person under 35 U.S.C. § 103(c). At the time the invention of the present application was made, Creighton et al. (U.S. Patent No. 6,459,924) was subject to an obligation of assignment to, or was assigned to, Stereotaxis, Inc., a corporation of the State of Delaware, having its principal office and place of business in St. Louis, Missouri. At the time the invention of the present application was made, the present application was subject to an obligation of assignment to Stereotaxis, Inc. Accordingly, Creighton et al. (U.S. Patent No. 6,459,924) is disqualified under 35 U.S.C. § 103(c) as prior art in a rejection under 35 U.S.C. § 103(a).

CONCLUSION

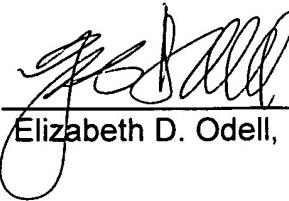
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7521.

Respectfully submitted,

Dated: 25 January, 2007

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